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Author:

Title:

The business of railway
ticket scalping in the...

Place:

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Date:

[1889?]

94-82132-13

MASTER NEGATIVE #

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The Business of railway ticket scalping in the United States being unnecessary, illegal and demoralizing, and leading to frauds upon travelers, and to daily violations of the inter-state commerce law, should not the public and the railways join in its suppression? n. p., 1889?

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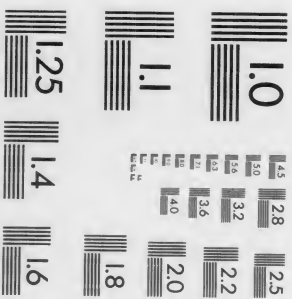


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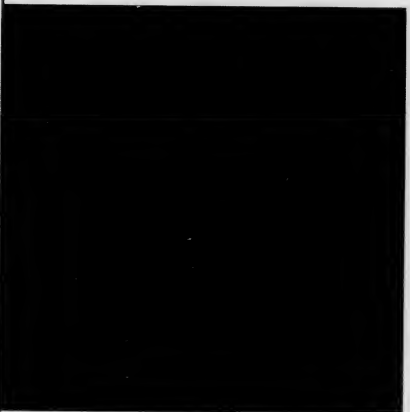


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THE BUSINESS
OF
RAILWAY TICKET SCALPING

IN THE UNITED STATES

BEING

385

UNNECESSARY, ILLEGAL AND DEMORALIZING,

AND LEADING TO

FRAUDS UPON TRAVELERS,

AND TO

Daily Violations of the Inter-State Commerce Law,

SHOULD NOT THE

PUBLIC AND THE RAILWAYS

JOIN IN ITS SUPPRESSION?

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"Resist the Devil and he will flee from you."—James iv, 7.

ALBANY
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AUG 20 1953

WHAT IS THE BUSINESS OF RAILWAY TICKET SCALPING?

It is a device for violating the Inter-State Commerce Law.

It affords a market for unpunched railroad tickets in the hands of dishonest conductors.

It offers an inducement for persons charged with the handling of railroad tickets to sell them unlawfully for their own advantage.

It furnishes a fence for lost, stolen, and forged railway transportation.

It offers a premium for forgery, the passenger who signs a name not his own on a railway ticket bought of a scalper being guilty of forgery every time he does it; and this is done many times every day in almost every city in the land.

It makes many of the most reputable business men parties to the grossest violations of state and national criminal laws.

It perpetrates the most glaring frauds upon unsuspecting travelers, who suppose they are dealing with the authorized agents of the railroads.

It has been declared illegal and prohibited by law in the great states of Pennsylvania, Illinois and Indiana.

It leads directly to violations of the Inter-State Commerce Law.

It is prohibited and prevented by law in Canada, in England, and in Europe.

The Chairman of the Inter-State Commerce Commission likens the railroad ticket scalpers to sharks feeding on the body of a dying whale.

The business of railway ticket scalping is, in the language of one of the judges of the Supreme Court, "a fruitful source of crime."

It induced a boy in the office of a special agent of the postoffice department in Chicago to steal his employer's railroad passes and sell them to a scalper.

It induced a boy in a railroad office in Cincinnati to steal railroad tickets and sell them to a scalper.

The *Chicago Tribune* says: "A system which offers a perpetual premium for the stealing of railroad tickets by railroad employes or others should be abolished by law, and the penalties for the violation of such a wholesome law should be rigidly enforced."

"Stolen tickets are preferred by the scalpers to any other, because the ticket thieves having no other fence at which to dispose of the property, are compelled to take whatever the scalpers choose to give them. The profits on stolen tickets are, therefore, three times as much as on tickets purchased of the honest holders."

The *Chicago Evening Journal* says: "There is good reason to believe that there are nefarious practices going on in this city every day between the professional thieves and that class of citizens called scalpers. * * * Practices which point strongly to the suspicion that these two 'professions' are in collusion, or, to say the least, very plainly showing that the scalpers offer encouragement to thieves, and furnish a medium for them to dispose of stolen railroad tickets, as severely to be deprecated as any regular thieves' fence."

The *Chicago Inter Ocean*, in commenting upon an aggravated case of fraud by the scalpers, uses this language: "What is to be thought of such truly astonishing intimacy and co-partnership between Chicago thieves and Chicago scalpers?"

The *Philadelphia Evening Bulletin* says: "There are plenty of nominally respectable men whose business morals are loose enough to make them easy patrons of the ticket scalping business; men who need to be carefully watched in all their business transactions."

Judge Ludlow, of Philadelphia, says: "Fraud having been perpetrated upon unsuspecting people by ticket scalpers, the legislature had a right to pass a law authorizing any police regulation to break it up."

The *Philadelphia Times* says: "The decision of the court sets a seal of judicial condemnation upon the pestiferous class of ticket speculators, and stamps upon their business the brand of illegality, if not of absolute fraud. The ticket scalper should in future be shunned and given as wide a berth as possible."

SWORN TESTIMONY AS TO HOW THE BUSINESS OF RAILWAY TICKET SCALPING IS CONDUCTED.

From the records of the Criminal Court of Cook County, Illinois, in the case of the people of the State of Illinois vs. Read, Stein and others, before Judge Collins, November Term, of 1887, Judge Longenecker, Prosecuting Attorney, stated that he would prove by witnesses that it was a common thing for ticket scalpers to use acids to erase names, and write in others.

During the progress of this case it was shown by evidence that a package of ten tickets sold by the agent at Dalton, Illinois, to Berger, Illinois, for 50 cents for the package, or 5 cents each, was lost by the purchaser at the stock yards, and afterward the tickets found their way into a scalper's office, and a part or all of them were changed to read Dalton to Pittsburgh, their value thus increased from 5 cents to \$14.90 each. It was also shown by the evidence that one of these tickets being sold to a passenger by a scalper, the passenger attempting to ride upon the same was ejected from the train, the passenger having no knowledge that the ticket had been altered.

Transcript from the Stenographic Record of the Trial.

Judge Longenecker, in questioning the witness, asked him how long he had been in the employ of Read and Stein.

Q. How long have you been in their employ?

A. I have worked for them, I believe, three different times; four different times.

Q. This last time?

A. I think I have been there this last time three or four months.

Q. Within a year of this time—of last March—tell what they did. How they did business there.

A. As I said before, they bought tickets and passes over all the different lines, when they had an opportunity to. Sometimes they would sell them as they was, and sometimes they would change them again.

Q. How would they change them?

A. They have acids there. They would erase the destinations and put in others.

Q. They would erase the destinations and put in a different destination, would they?

A. Yes, sir.

Q. How would they put it in?

A. If it was a pass, fill it out with ink.

Q. Just like these are changed from Berger to Pittsburgh?

A. Yes, sir. Sometimes stamp it in. As a general rule write it in with pen and ink.

Q. Who did you see erase any tickets?

A. I have seen Mr. Read fix tickets. I have seen Mr. Stein fix tickets. I have seen Mr. Reeves fix tickets.

Q. Where did you see them do that?

A. First one office and then another.

Q. What did they do with those tickets after they changed them?

A. Generally sell them to the first man that came along.

Q. Did you ever see anything like that? (Exhibiting pass to the witness.)

A. Yes, sir. I have seen them do lots of passes.

Q. Did you ever see anything like that?

Objected to by counsel for defendants.

Judge Longenecker: I want to show they would take any pass and then change the name of the man in the pass. Have you seen them do that?

The Court: You may state all you have ever seen them do in connection with passes.

Exception by counsel for defendants.

Judge Longenecker:

Q. Tell what change they would make in a pass like that.

A. I have seen Mr. Read fix passes. I have seen Mr. Stein, and, as I said before, also Mr. Reeves.

By Judge Longenecker:

Q. Have you seen any pass there where the date had expired?

A. Yes, sir.

Q. What did they do with reference to that?

A. They would take it off with acids, as a general thing, and fix the stamp over on the back, and sometimes, if it was a ticket, it had to be plugged.

Q. What do you mean by "plugging?"

A. They take an "L" punch and plug out and extend the limit. Say the ticket expired on the 10th of this month, and a man came in today and wanted that ticket. They would turn around and take the "L" punch, leaving the month just the same, but take this "L" out of here and extend it, may be, to the 31st. If they wanted to fill the "L" in here (indicating).

Q. The piece that was punched out they would put in the old hole?

A. They would put the "L" they took out here (indicating) and put it in the old "L" hole, put a piece of paper on the back, and fix it up just as nice as they could, of course.

Q. The man would go off rejoicing?

A. As a general thing, they would go through all right.

Q. Did you see stamps there?

A. Yes, sir.

Q. What kind of stamps?

A. They used to have a little box of rubber stamps that they would change the date and the month on the back of a ticket.

Q. Did you ever see anyone use it? If so, who? I mean these defendants.

A. I have seen all three of the gentlemen (I called the names before) use it.

Q. Name them over again.

A. Mr. Read, Mr. Stein and Mr. Reeves.

Q. How long had they been going on before these tickets came to your hands?

A. They always done that kind of business, all the time I worked for them.

Q. What was your duty? To get customers?

A. My duty was to pick up everybody I could that I thought wanted to buy or had a ticket to sell.

Q. And bring them in?

A. Yes, sir.

Q. What I mean is, all this fixing of tickets occurred in this county and state?

A. Yes, sir.

Q. And was within a year of the time of the indictment. I believe you said some time in March, didn't you, that Stiversen bought a ticket?

A. No, I said Stiversen bought a ticket on the 3d of April.

Q. How was it managed in reference to color? State whether there was anything used in reference to changing the color of a ticket.

A. Yes, sir.

Q. What was it?

A. They had a box of colored pencils.

Q. Who were "they?"

A. Mr. Read, Mr. Stein and Mr. Reeves.

By Judge Longenecker:

Q. For instance, had they an arrangement so they could make yellow,—that is, could they make a ticket all right if they erased anything off there?

A. Yes, sir.

Q. Could they make a white ticket yellow?

A. They had a box of all colored pencils that they could do that with.

Q. Make it blue, yellow, red or anything that they wanted to?

A. Yes, sir.

Another witness in the above named case being called to the stand, testified that he had been a ticket broker in Detroit and in Chicago; that he had known Read, Stein and Reeves, ticket brokers, for about three or four years; that he had clerked for some months in the office of a ticket broker in Chicago; that he was first a ticket runner on the street for a year and a half, afterward opened a ticket broker's office for himself; that he received a number of expired tickets from Stein, the broker; that their plan for making an expired ticket good was, for instance, the ticket was to expire on the 10th, they could make it good until the 20th by making the "one" a "two." Witness was talking of going into the

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scalping business again for himself and describing a conversation between Mr. Stein and himself regarding it.

Q. Give the language as near as you can.

A. Mr. Stein said all right. If you want to go into the ticket scalping business, I have plenty of tickets, meaning, of course, expired tickets.

Q. What kind of tickets did he give you?

A. Well, he gave me expired tickets. I don't know whether he said they would be expired tickets or not.

Q. What was their condition when you received them?

A. Just as they are now.

Q. Expired tickets?

A. Yes, sir.

Q. Where did you get your stuff, your tickets?

A. I got all my tickets from Mr. Stein, as I did not have a single ticket when I started.

Q. Go on and describe all of the tickets and what was to be done with them.

A. They were all expired tickets.

Q. What was to be done with them?

A. I can remember some tickets that were sold.

Q. What were they? Describe them.

A. Well, we would take, for instance, expired passes to Omaha and Kansas City; handled a good many of them. It was not, of course, necessary hardly to instruct me.

Q. You were instructed by whom?

A. By Mr. Stein and Mr. Read, to make that ticket good again and sell it.

Q. How was it to be made good again?

A. By extending the time.

Q. What did you do, in pursuance of this arrangement between you and him, with these passes and these tickets?

A. I would take those tickets and look them up to see what chance there would be. Some could be extended and some could not be extended, perhaps from the nature of the paper of which the ticket was made. If I could extend the time on a ticket to anywhere, and it could leave the office in such shape that I thought it would be able to go through, I would do so, and sell it the first chance I got.

Q. How would you be able to fix it so that it could be used to any of these points?

A. That depends upon the ticket.

Q. Describe any of the tickets that were changed in that manner.

A. Here is a ticket, for instance, what is called a punch ticket. Well, now, the date is punched out of that with an "L" punch. Now, that ticket, for instance; it was punched say June 26. It is good to June 26. If it runs out we can wait until it is coming on toward July 26, take that July out with another punch and plug up the June as well as we can, without this change being seen, and sell it, and the conductor would probably not notice it.

Q. Where did you get your punch that you used?

A. Well, I had two punches.

Q. The "L" punch?

A. I had two "L" punches, one a large size, and one smaller.

Q. Where did you get either of them?

A. I got the large one from Mr. Stein himself, and for a time I used their smaller punch; but they used it a good deal themselves, and it was inconvenient, and I got one myself.

Q. The larger one you used to cut out July and insert that part in June, that you got from Stein himself?

A. Either from Mr. Stein or Reid. I don't remember which.

Q. At their office?

A. Yes, sir.

Q. And when you wanted to use the smaller punch you would go to their office and use the one they had?

A. Yes, sir.

Q. What was done about any erasing?

A. Then there are tickets that the dates would be written in instead of being

punched. It would be written in in ink in a blank space. That ticket would have to be erased with acid; the date would have to be erased with acid.

Q. Where did you get your acid?

A. I got my acid from Mr. Read and Stein.

Q. What is that acid used for?

A. Well, it is used for erasing ink; no matter what you want to erase anything off of.

Q. From what?

A. From paper; probably you can also use it to erase ink stains off clothing.

Q. Have you ever seen that class of bottles in Read & Stein's office?

A. I have.

Q. Have you ever seen any acids used there for any purpose?

A. Yes, sir.

Q. What purpose did you?

A. Well, for taking the date off tickets so as to put in a new date.

Q. How would it be done?

A. Here is, for instance; this pass was originally made good until October 26, 1880. Well, we would erase October 26, if it had expired, and put in anything we liked.

Q. Erase it with what?

A. With those acids that they had there.

Q. If it was some colored ticket or pass, what would be done?

A. If the ticket was like this, for instance, on colored paper, the acid would leave a mark. It might fade it almost white just where the acid touched. Now, usually, before you would re-write anything in it, you would color it with a yellow pencil, if the ticket was originally yellow. If it was blue, with a blue pencil. If it was that color (indicating) you would go over it with that colored pencil, so it was hardly noticeable that the date had been changed.

Q. Did you ever see any tickets in Read & Stein's where the tickets and passes were colored and had been changed, and these pencils had been used to restore the color?

A. I have; yes, sir. You see the most of the tickets we would get would be on colored paper.

The witness stated that he had a record in his book of 66 tickets that he had changed between the last week in December, 1886, and the first day in April, 1887.

Q. Have you ever seen Read & Stein change any tickets—alter any tickets that have been sold; any other tickets than these?

A. I have.

Q. Tell the court and jury about how many, and when it was?

A. Well, I must have seen them change tickets a dozen times.

Q. Where?

A. At their office.

Q. Did you ever see Defendant Reeves alter any tickets?

A. Well, I have seen him working with tickets. I don't know what he was doing with them.

Q. Where?

A. Down at Mr. Read & Stein's office.

Q. Whereabouts in the office did they generally do this changing of tickets?

A. Right in front of a doorway, just behind a counter.

Q. What was Defendant Reeves working with at the time you saw him?

A. Working with the tickets.

Q. What did he have?

A. I have seen him take the acid bottle in his hand.

Q. And use it?

A. Yes, sir.

On cross-examination by counsel for the scalper:

Q. You were fixing tickets right along since 1885 without having an office of your own, were you?

A. No, sir; I was not.

Q. Can you tell me if Mr. Stein, as you claim, was an expert at fixing and knew all about it and could instruct you, why didn't he fix that ticket himself?

A. He was not an expert.

Q. But you are an expert, now, are you not?

- A. Well, I should not exactly call myself an expert.
 Q. But you would call yourself a very accomplished scholar in that art, would you not?
 A. Well, I guess I would; after a man changes fifty or one hundred tickets, I guess he ought to know how to change them.
 Q. Yes, I think he should.
 A. And your clients changed six thousand.
 Referring to the lot of expired tickets before them:
 Q. Is it not a fact that there is no value upon those tickets at all?
 A. Most decidedly there is no value upon them.
 Q. Is it not a fact that you can go to these ticket brokers' offices ordinarily and get those tickets for nothing?
 A. You cannot.
 Q. You cannot?
 A. You bet your life you cannot. They all want you to pay them fifty per cent for them. That's what they will sell them to you for.
 Q. Fifty per cent of the face value for them?
 A. Yes, sir.

Copy of the Law of the State of Illinois to prevent the handling of Railway Passenger Tickets by Scalpers.

AN ACT

To prevent frauds upon travelers and owner or owners of any railroad, steamboat or other conveyance for the transportation of passengers. [Approved April 19, 1875. In force July 1, 1875. L. 1875, p. 81.]

AGENTS MUST BE AUTHORIZED TO SELL TICKETS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be the duty of owner or owners of any railroad or steamboat for the transportation of passengers, to provide each agent, who may be authorized to sell tickets, or other certificates entitling the holder to travel upon any railroad or steamboat, with a certificate setting forth the authority of such agent to make such sales, which certificate shall be duly attested by the corporate seal of the owner of such railroad or steamboat.*

UNAUTHORIZED PERSONS NOT TO SELL TICKETS.

SEC. 2. That it shall not be lawful for any person not possessed of such authority, so evidenced, to sell, barter, or transfer, for any consideration whatever, the whole or any part of any ticket or tickets, passes, or other evidences of the holder's title to travel on any railroad or steamboat, whether the same be situated, operated or owned within or without the limits of this state.

PENALTY FOR VIOLATING ACT.

SEC. 3. That any person or persons violating the provisions of the second section of this act shall be deemed guilty of misdemeanor, and shall be liable to be punished by a fine not exceeding five hundred dollars, and by imprisonment not exceeding one year, or either, or both, in the discretion of the court in which such person or persons shall be convicted.

AGENT TO EXHIBIT CERTIFICATE ON REQUEST.

SEC. 4. That it shall be the duty of every agent who shall be authorized to sell tickets, or parts of tickets, or other evidences of the holder's title to travel, to exhibit to any person desiring to purchase a ticket, or to any officer of the law who may request him, *the certificate of his authority thus to sell, and to keep said certificate posted in a conspicuous place in his office for the information of travelers.*

DUTY OF OWNER TO PROVIDE FOR REDEMPTION OF TICKETS.

SEC. 5. That it shall be the duty of the owner or owners of railroad or steamboat, by their agents or managers, to provide for the redemption of the whole, or any parts or coupons of any ticket or tickets, as they may have sold, as the purchaser, for any reason, has not used, and does not desire to use, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the proportion of said ticket was actually used; and the sale by any person of the unused portion of any ticket otherwise than by the presentation of the same for redemption, as provided for in this section, shall be deemed to be a violation of the provisions of this act, and shall be punished as hereinbefore provided: *Provided*, that this act shall not prohibit any person who has purchased a ticket from any agent authorized by this act, with the *bona fide* intention of traveling upon the same, from selling any part of the same to any other person.

PENALTY FOR REFUSING TO REDEEM TICKETS.

SEC. 6. Any railroad or steamboat company that shall, by any of its agents in this state, refuse to redeem any of its tickets or parts of tickets, as prescribed in section five of this act, shall pay a fine of five hundred dollars for each offense, to the people of the State of Illinois, and it shall be unlawful for said company, subsequent to such refusal, to sell any ticket or tickets in this state until such fine is paid.

THE ILLINOIS ANTI-SCALPERS' LAW CONSTITUTIONAL.

The following is a synopsis of the decision of Judges McAllister and Moore, that the act entitled "An Act to Prevent Frauds Upon Travelers," etc., is constitutional:

In January last the Grand Jury returned indictments against a number of persons dealing in railroad tickets who were not the authorized agents of any railroad company. The indicated are better known as "ticket-scalpers," and, as soon as they had been capiased to give bail to answer the charge against them, they banded together, hired counsel, and proceeded to prepare to resist any interference with their business. They were advised that the act under which they had been indicted was unconstitutional, and when J. J. Walser, one of the number, was called for trial, he moved to quash the indictment, the "scalpers" having agreed to back him and make a test case of it. The motion to quash was argued before Judges McAllister and Moore, and yesterday an opinion adverse to the "scalpers" was filed in the Criminal Court. It was as follows:

"This is an indictment under the Act of April 9, 1875, entitled 'An act to prevent frauds upon travelers and owner or owners of any railroad, steamboat or other conveyance of passengers.' Motion is made to quash the indictment on two grounds: (1.) That the act is not within the scope of the police power, is an unwarrantable restriction upon the rights of private property, and, therefore, unconstitutional. (2.) It was not constitutionally passed:

The act relates to the business of common carriers. It has been the settled law in England and in this country that the business of a common carrier is not only affected with a public interest, but it is a public employment. This proposition is so elementary that a multiplication of authorities is unnecessary. So far as relates to railroads acting under charters or acts of incorporation, their franchises are partly of a public and partly of a private nature. So far as the safety, convenience and comfort of passengers are concerned they are *publici juris*; so far as they relate to capital and the production of revenue they are *privati juris*. There never has been any question of the power of the State Legislatures to pass laws in the nature of police regulations affecting the exercise of such franchises so far as they were *publici juris*, such as those designed to secure passengers from not only danger, but imposition. The hinge point in the case of *Munn and Scott vs. The People*, carried by writ of error to the United States Supreme Court from our Supreme Court, and taken into and decided by the former, was, whether the business of keeping a grain warehouse as a mere private enterprise was a public employment, so as to subject it to the police power which might extend to a full suppression of the business. By the common law it was not such public employment, nor was there any valid statute changing that law. But a majority of the United States Supreme Court diverging, as many think, from established legal principles, affixed to that business a character which the law of the state did not give to it more than to any other business, viz: that it was so affected with a public interest as to be entirely subject to the police power of the state. But all good lawyers and all courts concede that, ever since the decision in *Coggs vs. Bernard*, common carriers are recognized as being engaged in a public employment, and nothing can be clearer than that, in this state railroad companies, so far at least as concerns the safety, comfort and convenience of passengers, are proper subjects of the police power. Of this there can be no question. If the business itself be subject to the police power, then so must all its incidents and accessories be subject to it. All experience teaches that the necessities of the business require the issuing and use of tickets. They are as necessary to the convenience of both traveler and carrier as baggage-checks or way-bills in case of freight. The business and all its common incidents being proper subjects of the police power, then it follows from settled principles that the nature and character of the police regulations must be determined by the legislative, and not the judicial, branch of the government. After giving this matter much consideration, we are of the opinion that the act in question, being a matter of mere police regulation of a public business, is constitutional and valid. There may arise cases where the contract for carriage was made in another state, which constitutional principles

would prevent falling within the range of this act, but that is no ground for holding the act void as to all cases.

The question was made that this act was not passed in compliance with the requirements of the Constitution, and an unauthenticated paper, said to be a copy of the legislative journals, was put into our hands. We cannot act upon that question without evidence—competent evidence—to establish the facts upon which decision is to be made. We are also of opinion that the subject matter is sufficiently expressed by the title of the act. The motion is overruled.

The opinion bears the following indorsement:

"This opinion having been read to Judge Moore, who was with me at the hearing of the motion, he authorizes me to say that he concurs in the conclusions arrived at."

In commenting upon this decision the *Chicago Tribune*, in one of its issues in March, 1879, had this to say:

"When it became known among the scalpers yesterday that Judge McAllister had declared the scalpers law, prohibiting the sale of railroad tickets by unauthorized agents, constitutional, there was quite a flutter among them. If a bombshell had exploded in their midst they could not have been more agitated. They felt quite confident that McAllister would decide in their favor, he having been selected with the hope that he would do so, otherwise the matter would have been decided by Judge Moore, before whom the suits were first brought."

COMMENTS OF WESTERN PAPERS ON TICKET SCALPING.

From the "Toledo Blade," May 24, 1879.

THE TICKET SCALPER.

A SPECIMEN OF HIS "LEGITIMATE" TRANSACTIONS—ONLY ONE AMONG THE MANY THAT OCCUR DAILY IN ALL PARTS OF THE COUNTRY—ONE OF HIS INNOCENT LITTLE GAMES THAT HE DON'T WANT THE LAW TO INTERFERE WITH.

A general passenger agent gave this *bona fide* transaction to a reporter, today:

"A few weeks ago one of our agents sold a ticket to Topeka, Kansas, using a skeleton form and filling the destinations of the different coupons in with ink. The purchaser, after arriving at Atchison, for some reason, decided not to go any farther, so he steps into a scalper's office and sells the balance of his ticket which contained one coupon reading, 'Atchison to Topeka.' Now, this honorable (?) gentleman, who insists that he is doing nothing but a legitimate business, by the use of chemicals, transforms that into a ticket reading 'Atchison to Pueblo,' making it worth \$28 instead of \$3, as originally sold. This new ticket he sells to a third party, and the railroad company accepts it in good faith, thereby causing the company who issued the same to sustain a loss of \$25. Now this is only one of an almost innumerable number of ways which these scalpers practice to beat the railroads, to say nothing of the frequency with which the traveler is the injured party, and still we find some people who maintain that these dishonest traffickers should be allowed to continue their business.

The *Chicago Times*, of May, 1879, in the course of a two-column article on the arrest of Webb, the scalper, and the search of his office, says:

"THE VAULT OF A SCALPER MADE TO DISCLOSE A DEAL OF RASCALLY INWARDNESS.

"The search was rewarded by the finding of some \$3,000 worth of passes. Webb was taken into custody under a warrant issued by Justice Wallace, charging him with receiving stolen property.

"Among the 'stock' discovered were twenty-three passes and seven one-thousand mile tickets. Most of the passes were 'annuals.'

The same paper states that "the searching party armed with proper documents, repaired to the office of one Mulford, a well-known ticket scalper, on Clark

street, and afterwards to the office of Webb, in the Dime Savings Bank. In the former place a large number of tickets were found, many of them marked with the 'gate-punch,' which goes to show that they were taken in some manner direct from the railroad companies. A number of additional tickets and passes were also found at Webb's establishment secreted in various departments around the office. It is needless to state that the larger number of these passes were forgeries. One in particular, drawn in favor of an alleged employé of the *Chicago Times*, is known to be a forgery. When conveyed to the office of the railroad, the passes and tickets, which filled an office basket, were sorted out and the several companies represented communicated with."

The *Chicago Times* of May 28, 1879, had this to say in regard to the stealing of a lot of annual passes belonging to Special Agent Stuart, of the postoffice department, and their discovery in the office of Webb, a Chicago ticket scalper:

"WEBB IS WORSTED.

"THE 'SCALPER' HELD TO THE CRIMINAL COURT.

"The case of the notorious ticket scalper, Webb, came up before Justice Wallace on yesterday. Webb, who bought the forty-three annual passes which were stolen from Special Agent Stuart, was in court in charge of an officer, as were young Barrett, who purloined the passes, and one Wright, who 'steered' Barrett into the hands of the Philistines, so to speak, where he disposed of his plunder.

"Special Agent Stuart swore that he was the owner of the passes, and that they were worth \$4,000, and were sold to Webb for \$23. He then detailed his search for the property, and the final finding of it at Webb's office."

From the *Chicago "Times,"* of April 16, 1879.

THIEVES AND SCALPERS.

An old gentleman, named John B. Graham, seventy-one years of age, and who has resided at Sycamore, Ill., arrived in the city on Monday, en route to Cincinnati, where the remainder of his life is to be spent, in the kindly care of a sister. His railroad ticket read via the Chicago & North-Western, Pittsburgh, Fort Wayne & Chicago and Cincinnati, Hamilton & Dayton lines. The old man left the Madison street depot of the Fort Wayne road per the eastbound train, at 5:15 P.M. Before the train had reached Twenty-second street, a well dressed young fellow entered the car and asked Mr. Graham if he was sure his ticket was all right. The old gentleman, not being accustomed to the tricks of highwaymen of this stripe, and mistaking the scoundrel for the conductor of the train, handed his ticket to the stranger. The fellow fumbled the ticket a moment, and, with the assuring remark, "You are all right," returned the envelope to Graham, and passed on out of the car. A little later, the conductor entered, and then it was discovered that the young man had abstracted the ticket from the envelope, substituting therefor a bogus check for \$910, made payable to one Morgan. The conductor transferred the old gentleman to an incoming train at Englewood, and his destitute condition being made known upon his arrival at the depot, he was properly provided for by the agents of the railroad company.

Within thirty-five minutes from the time the young stranger made his appearance in the car, the ticket of which the old man had been despoiled had been sold to a "scalper" on Randolph street for \$8. The thief, who is still at large, must have left the train at Twenty-second street and struck out on a bee-line for the scalping shop, since there is proof that the ticket had been sold to the broker and re-sold by him to one William C. Columbine, before 6 o'clock.

Old Mr. Graham, after remaining in the city over night, was assisted to a passage to Cincinnati. Columbine, whose journey was interrupted at the depot, and Dewey, the policeman who gobbled the ticket, went before Arthur R. Kimball, notary public, and made affidavit to the facts in the transaction. Columbine says, under oath, that he resides in Toledo, O.; that, desiring to visit Cincinnati, he entered the office of C. P. Morgan, scalper, and, upon making known his want, was shown a ticket, which he purchased, the scalper remarking that the person of whom he had bought the ticket had just gone out of the office; that on reaching the depot and presenting the ticket to the gatekeeper, it was identified as the one stolen a few hours before from Graham, and that he afterward, in company with

Officer Dewey, visited the scalping office and identified Morgan as the man who had sold him the stolen ticket.

Officer Dewey, after making affidavit to the facts iterated by Columbine, said he accompanied the latter to Morgan's office on yesterday morning, and that Morgan recognized Columbine as his patron and procured for him, at his own expense, his passage to Cincinnati.

The affidavits relating to this outrageous transaction will be used in the legislature at Springfield to defeat the proposed repeal of the "scalpers'" act.

In commenting on this case, the *Chicago Evening Journal*, of April 15, 1879, says:

"THIEF AND SCALPER.

"STRONG EVIDENCE GOING TO SHOW THAT THEY ARE IN COLLUSION—A TICKET 'STOLEN FROM AN OLD MAN IMMEDIATELY GETS INTO A SCALPER'S SHOP.

"There is good reason to believe that there are nefarious practices going on in this city every day between professional thieves and that class of citizens called 'scalpers,' whose business is to earn their living by a process of bleeding railroads—practices which point strongly to the suspicion that these two 'professions' are in collusion, or, to say the least, very plainly showing that the 'scalpers' offer encouragement to thieves, and furnish a medium for them to dispose of stolen railroad tickets, as severely to be deprecated as any regular thieves' 'fence.' Especially does it seem fitting that our state legislature should know these things, in order that they may deal intelligently with the bill now before them to repeal the 'scalpers' law, which, it is understood, comes up for a third reading tomorrow.

"A case in point occurred only last night, and no man can read the account of it and not feel that a business which, like the 'scalpers' fraternity, encourages, either directly or indirectly, such atrocious outrages, ought to be blotted out of existence.

"But the point most significant is that the ticket stolen at about 5:25 P.M., at Twenty-second street, was bought by the young man at a little after six, seeming to indicate very close connections between the thief and the scalper. And what is the worst of it, is that these things are occurring continually."

The *Inter Ocean*, of April 16, 1879, says of the Graham case:

"THIEVES AND SCALPERS.

"THEIR INTIMACY DOUBLY DEMONSTRATED—FURTHER FACTS IN THE LATEST CASE.

"It is time that our state legislature should interfere. If the following recital shall bestir them, the last poor victim of Chicago 'scalpers' will not have suffered in vain. This case cannot but shed a flood of light on the real character of the movement now pending at Springfield, to repeal the 'scalpers' law, which comes up to its third reading. If this last and disgusting case does not strongly suggest collusion between thieves and scalpers, then evidence goes for little.

"Now, the disgusting meanness of all this is, that the ticket stolen at about 5:30 P.M., at Twenty-second street, was safely on the scalpers' counter for sale before six. What is to be thought of such truly astonishing intimacy and copartnership between Chicago thieves and Chicago 'scalpers'?" Yet this is only one incident out of scores occurring here of just such black offenses against the well ordering of society."

From the *Chicago "Tribune,"* of April 10, 1879.

AN ALLEGED SWINDLE.

A Mrs. G. W. Harrington, from Grand Rapids, Mich., says that a few weeks ago she purchased a railroad ticket from Mr. Nat. Reeves, of the firm of Mulford & McKenzie, to Denver and return for \$36. The ticket was made out in the name of a gentleman, and was a limited one, dated March 9. The time had expired, but Mr. Reeves, she alleges, made it all right by placing a "2" in front of the "9," thus making the date 29. This lady says she was told that he had authority to do so, and the fact that it was in the name of a gentleman would not invalidate

it when used by a lady. Mrs. Harrington accepted the ticket, and started on her voyage. She got as far as Omaha without trouble, but west of that point the Union Pacific conductor detected the change, and refused to accept the ticket, compelling the lady to pay her fare to Denver. Mrs. Harrington had not sufficient money to pay for her return trip, but was passed on the Union Pacific upon leaving her trunk as security. She arrived here yesterday afternoon, and in company with Capt. Hodsdon, of the Union Pacific, went to find the scalper who had sold her the ticket, and get her money refunded. They went to Mulford & McKenzie, on Clark street, which the lady thought was the place where the ticket was purchased, and at once identified Mr. Reeves as the one who had sold the ticket. She demanded her money back, but it was refused by the scalper, who said he had to see his lawyer first. This did not satisfy Mrs. Harrington, and she went at once to the office of a justice of the peace, and swore out a warrant against Mr. Reeves for swindling and forgery. Mr. Reeves could not be found by the constable last evening, but will no doubt be arrested this morning.

Mrs. Harrington is a respectable lady of considerable grit, and she says she is determined to bring the scalper to justice. She has taken quarters at the Clifton House, where she will remain until the case is decided. She will be aided in the prosecution by the Chicago Railway Association, which will furnish the lawyer and the means to bring the case to trial.

From an Editorial in the Chicago "Tribune," of April 16, 1879.

"In another part of this issue are presented some facts relative to the larceny of a railway ticket from an over-confiding traveler and the prompt disposition of the ticket by the thief to a scalper, and its sale the second time to an innocent purchaser, all within an hour or two—facts which are pressed upon the attention of the Illinois Legislature as having an important bearing upon the pending bill for the repeal of the law prohibiting scalpers from dealing in railroad tickets. The circumstance here detailed, together with many of the same sort that are of daily occurrence at large railroad centers, demonstrates the need of the law which the scalpers are trying to have repealed. A system which offers a perpetual premium upon the stealing of railroad tickets, by railroad employes or others, should be abolished by law, and the penalties for the violation of such a wholesome law should be rigidly enforced. So far from the present law being repealed, its provisions should be made yet more stringent, and these ticket 'fences' broken up and suppressed."

From an Editorial in the Chicago "Tribune," of April 19, 1879.

"In the notice yesterday of the proceedings relating to the robbery of a granger of his railroad ticket at one of the depots, the subsequent sale of the ticket to a scalper, and the finding of the stolen ticket upon the person to whom the scalper sold it, we did injustice by intimating that the robbery was a put-up job by the railroad authorities. We are assured that it was an actual robbery by a thief who evidently knew where he could sell the ticket, and who did sell it at one of the scalping offices. We are further assured that there is no occasion for putting up any job in the matter of stealing railroad tickets—such things are of daily occurrence; and it is insisted on as a fact that every stolen railroad ticket finds a purchaser at the scalping offices, which offer the same inducements to ticket thieves that are offered to other thieves by the 'fences' and other receivers of stolen goods. Stolen tickets are preferred by the scalpers to any other, because the ticket thieves, having no other 'fences' at which to dispose of the property, are compelled to take whatever the scalpers choose to give them. The profits on stolen tickets are, therefore, three times as much as on tickets purchased of honest holders. The robbery of the venerable granger was therefore an infamous outrage, and the thief should be punished severely, and the law should provide ample protection to travelers by making the sale of such property when stolen an impossibility."

Copy of the Law of the State of Indiana to Prevent the Selling of Railway Passenger Tickets by Scalpers:

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That it shall not be lawful, from and after the taking effect of this act, for any officer or agent of any railroad company, steamboat, or other public conveyance of passengers for hire or reward, or for the operator or operators, manager or managers (or his or their agent or agents), of any such railroad, steamboat or other public conveyance, to issue or sell any pass, ticket, or coupon of a ticket, or certificate evidencing the holder's right to travel over or be transported in or upon such railroad, steamboat or other public conveyance, subject to any condition contained in or endorsed upon or appended to such pass, ticket, coupon or certificate, whereby the liability of such carrier shall be abridged or limited, or whereby the rights of the holder of such pass, ticket, coupon or certificate shall be decreased or abridged, unless such condition shall be printed in nonpareil type, or in type or characters as large or larger than nonpareil type. Any such officer, agent, operator or manager, or the agent of such operator or manager, who shall violate the provisions of this section of the act, shall, upon conviction thereof, be fined not less than ten dollars, nor more than one hundred dollars, for each pass, ticket or coupon which he shall issue or sell, contrary to the provisions of this section; *Provided*, however, that nothing herein shall be held or construed to change, or in any manner affect the law as it now exists, regulating the liability of common carriers, or to enlarge their right to limit, or restrict their liabilities on account of having such attempted limitation printed, as required by this act.

SEC. 2. That it shall be the duty of the owner or owners, or operator or operators, of every railroad and steamboat or other public conveyance for the transportation of passengers for hire, or reward, to provide each agent, who may be authorized to sell tickets or other certificates evidencing the right of the holder thereof to travel or be transported upon such railroad, steamboat or other public conveyance, with a certificate, setting forth the authority of such agent to make such sales, which certificates shall be signed by the managing officer, and duly attested by the corporate seal of the owner or operator of such railroad, steamboat or other public conveyance.

SEC. 3. It shall be the duty of the owner or owners, operator or operators, of every railroad, steamboat, or other public conveyance of passengers for hire or reward, to provide at each agency, for the sale of tickets, for the redemption of the whole of any ticket or any part or parts, or coupon of any ticket, which they may have sold, and which the purchaser, for any reason, shall not have used, at the following rates, namely: where the whole ticket is presented for redemption, at the full price paid for the same, and when a part or coupon of the ticket only is presented for redemption, then the redemption shall be at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the part of said ticket was actually used; and the sale, by any person, of the unused portion of any ticket, otherwise than by the presentation of the same for redemption as aforesaid, shall be deemed to be a misdemeanor, and shall be punished by a fine of not less than five dollars, nor more than fifty dollars; *Provided*, however, that this act shall not prohibit any person who shall have purchased a ticket from an agent, authorized, as by this act provided, with the *bona fide* intention of traveling on the same, from selling such ticket, or any part or coupon thereof, to any other person, to be used in good faith by such person in traveling over such railroad, or in or upon such steamboat, or other public conveyance.

SEC. 4. If any owner, operator or manager of any railroad, steamboat or other public conveyance of passengers, or his agent, shall violate any of the provisions of the third section of this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten, nor more than one hundred dollars.

SEC. 5. It shall not be lawful for any person, not possessed of the authority mentioned in the second section of this act, and not evidenced as therein provided for, to sell, barter or transfer, within this state, for any consideration whatever, the whole or any part of any ticket or tickets, passes or other evidence

of the holder's title to travel on, or be transported in, or over any railroad, steamboat or other public conveyance, whether the same be situated, owned or operated within or without this state, except as provided for in section three.

SEC. 6. It shall be the duty of every agent who shall be authorized to sell tickets or parts of tickets, or coupons, as is provided for in the second section of this act, or other evidences of the holder's title to travel on any railroad, or in any steamboat or public conveyance, to keep his certificate of authority posted in a conspicuous place in his office, and also to exhibit the same to any person desirous of purchasing a ticket, or to any officer of the law who may request to see or inspect such certificate of authorization.

SEC. 7. Any person who shall violate any provisions of either the fifth or sixth sections of this act, shall, upon conviction thereof, be fined not less than ten, nor more than one hundred dollars.

SEC. 8. The provisions of this act shall not apply to special, half-fare or excursion tickets.

Approved March 9, 1875.

THE SUPREME COURT OF INDIANA DECLARES THE ANTI-SCALPING LAW CONSTITUTIONAL.

The above law pronounced constitutional by the Supreme Court of the State of Indiana. In *Fry vs. The State* on Appeal from the Marion Criminal Circuit Court. 63 Indiana, 552.

R. B. Duncan, C. W. Smith and J. S. Duncan, for appellant.

T. W. Woollen, attorney-general; J. B. Elam, prosecuting attorney; C. Baker, T. A. Hendricks, O. B. Hord and A. W. Hendricks, for the state.

The Supreme Court, Howk, chief justice, sets out in full the statutes of Indiana in reference to the sale of tickets by scalpers, and pronounces them constitutional. The court, in the course of the decision, says:

"The indictment against the appellant, in this case, charged, in substance, that the appellant, on the 9th day of January, 1879, at and in the County of Marion, did then and there unlawfully barter and sell, for a valuable consideration, to wit, the sum of ten dollars, to some person whose name is to the grand jurors unknown, a railroad ticket. * * * Said Fry was not then and there the agent of the railroad, and was not then and there authorized to sell tickets or other certificates, and he did not then and there have a certificate provided him by said railroad, setting forth his authority as agent of said railroad, signed by the managing officer of such railroad, and duly attested by its corporate seal; that said George W. Fry had not purchased said ticket with a *bona fide* intention of traveling on the same. Wherefore the grand jurors aforesaid, upon their oaths aforesaid, do further present and charge, that said sale of said ticket, by said George W. Fry, was and is contrary to the form of statute in such case made and provided, and against the peace and dignity of the State of Indiana."

In closing the decision, the Court said:

"In the case at bar, our conclusion is that the statute of this state, above quoted, is not in conflict with the constitution or laws of the United States, but was a legitimate exercise by the state legislature of the police powers of the state. Therefore, we hold that no error was committed by the court below, in overruling the appellant's motion to quash the indictment.

"No point is presented for decision, by the appellant's counsel in argument, arising under the alleged error of the court in overruling the appellant's motion for a new trial. That error, even if it existed, must therefore be regarded as waived.

"The judgment is affirmed, at the appellant's costs."

Copy of An Ordinance to Prevent the Handling of Railway Passenger Tickets by Scalpers in the City of Augusta, Ga.

From the Augusta (Ga.) Chronicle, July 19, 1888.

AN ORDINANCE,

To Amend An Ordinance Entitled "An Ordinance to Fix the Annual and Specific Taxes of the City of Augusta on Business Occupations and Professions for the Year 1888, and to Provide for the Collection of the Same. Adopted December 30, 1887."

SECTION 1. Be it ordained by the City Council of Augusta, and it is hereby ordained by the authority of the same, That from and after the passage of this Ordinance, the above recited Ordinance be amended by striking from the eighth item of said Ordinance the words: "And upon every vendor of railroad tickets, whether located in office or store on the street."

SEC. 2. Be it further ordained, That there shall be added to said Ordinance, as the ninth item thereof, the following:

"Upon every vendor of railroad tickets, whether located in office or store or on the street, except the representatives of terminal roads at Augusta, the sum of Five Hundred Dollars per day."

SEC. 3. And be it further ordained, That so much of all Ordinances, and parts of Ordinances, in conflict with this Ordinance, be, and the same are hereby repealed.

Done in Council, this 18th day of July, A. D. 1888

ROBT. H. MAY, Mayor.

Attest: L. T. BLOME, C. C.

Augusta, Ga., July 18, 1888.

FORGED RAILWAY TICKETS.

In the Chicago *Herald*, of October 17, 1888, appeared an article on forged tickets, found in scalpers' offices in Chicago, which began as follows:

"LEECHES ON TRAFFIC.

"RASCALITY IN TICKET SCALPING—THE BROKERS' OFFICES ALLEGED TO BE TO THE RAILWAY BUSINESS WHAT THE PAWNSHOPS ARE TO OTHER BRANCHES OF TRADE, SERVING AS 'FENCES.'"

"The *Herald* recently published a very full account of an attempt on the part of some ticket scalpers to defraud the railways and the public generally by a forgery of railway tickets, a considerable number of which were sold to scalpers in this market, and some of them resold by the scalpers to the public."

The paper then quotes an article from the *Railway Age* on the same subject, in which the writer makes the following points:

"1st. In these days of the inter-state commerce law, oppressive state railway legislation, arbitrary rulings by the state railway commissioners, and inquiries of foreign and other stockholders into the management of American railways, I have thought that it might be a proper question for the managers of our railways to ask their own officials and themselves why are such leeches as the ticket scalpers of the United States left to fatten upon the body politic of railway management.

"2d. The fact that a forged railway ticket could find a purchaser. No one supposes that forged railway tickets are issued by the railway companies, and there could be no sale for them by the parties who forged them, except through some agency like the ticket scalper. In a recent trial of a case of this character in one of the higher courts, one of the best known criminal lawyers of the country stated to the judge that the ticket scalper's office afforded the same kind of a 'fence' for the sale of stolen or forged railway tickets that the pawnbroker's

shop did for the sale of silverware, clothing, etc., and that if there were no ticket scalpers' offices there would be no inducement whatever for anyone to steal or forge railway tickets.

"3d. The irreparable injury that is done the railways of the country in the minds of the public by such disreputable and dishonest transactions. The public generally, and particularly that portion of it which is not thoroughly versed in the conduct of railway traffic, suppose that the railways themselves are to blame for all transactions of this character, and that if not done by the railway agents themselves, it is by their permission, and it is not infrequently the occurrence that the scalper leads the passenger to believe that he is the regular agent of the railway company, and that he is simply transacting the business for them. In some cases this may be the truth, but of course no railway company ever authorized a scalper, or anyone else, to sell or issue a forged or stolen ticket."

"The pertinent question which the public, as well as the stockholders, have a right to ask, is: How long do the railways intend to tolerate a state of things which makes swindling of this character possible?"

The Law of the State of Pennsylvania to prevent the sale of Railroad Tickets by Scalpers.

AN ACT

To Prevent Frauds upon Travelers.

WHEREAS, Numerous frauds have been practiced upon unsuspecting travelers, by means of the sale, by unauthorized persons, of railway and other tickets; and also upon railroads, and other corporations, by the fraudulent use of tickets, in violation of the contract of their purchase; now, therefore, with the view of preventing and punishing such frauds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by authority of the same,* That it shall be the duty of owner or owners of any railroad, steamboat, or other conveyance for the transportation of passengers, to provide each agent, who may be authorized to sell tickets or other certificates, entitling the holder to travel upon any railroad, steamboat, or other public conveyance, with a certificate setting forth the authority of such agent to make such sales; which certificate shall be duly attested by the corporate seal, if such there be, of the owner of such railroad, steamboat, or other public conveyance; and, also, by the signatures of the owner, or officer, whose name is signed upon the tickets or coupons which such agent may sell.

SEC. 2. That it shall not be lawful for any person not possessed of such authority so evidenced, to sell, barter, or transfer, for any consideration whatever, the whole or any part, of any ticket or tickets, passes, or other evidences of the holder's title to travel on any railroad, steamboat, or other public conveyance, whether the same be situated, operated, or owned, within or without the limits of this Commonwealth.

SEC. 3. That any person or persons violating the provisions of the second section of this act, shall be deemed guilty of misdemeanor, and shall be liable to be punished by a fine not exceeding five hundred dollars, and by imprisonment not exceeding one year, or either or both, in the discretion of the court in which such person or persons shall be convicted.

SEC. 4. That it shall be the duty of every agent who shall be authorized to sell tickets, or parts of tickets, or other evidences of the holder's title to travel, to exhibit to any person desiring to purchase a ticket, or to any officer of the law who may request him, the certificate of his authority thus to sell, and to keep said certificate posted in a conspicuous place in his office, for the information of travelers.

SEC. 5. That it shall be the duty of the owner or owners of railroad, steamboat, and other public conveyances, to provide for the redemption of the whole,

or any parts, or coupons of any ticket or tickets, as they may have sold, as the purchaser, for any reason, has not used and does not desire to use, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the proportion of said ticket was actually used; and the sale by any person, of the unused portion of any ticket, otherwise than by the presentation of the same for redemption, as provided for in this section, shall be deemed to be a violation of the provisions of this act, and shall be punished as is hereinbefore provided. [Provided, *That this act shall not prohibit any person who has purchased a ticket from any agent authorized by this act with the *bona fide* intention of traveling upon the same, from selling any part of the same to any other person, if such person travels upon the same.]

*Proviso amended by the Act printed below.

JOHN CESSNA,
Speaker of the House of Representatives.
GEORGE V. LAWRENCE,
Speaker of the Senate.

APPROVED the sixth day of May, Anno Domini one thousand eight hundred and sixty-three.

A. G. CURTIN.

An Act amending the proviso in section five of an act to prevent frauds upon travelers, approved the sixth day of May, Anno Domini one thousand eight hundred and sixty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by authority of the same,* That the proviso in section five of an act to prevent frauds upon travelers, approved the sixth day of May, Anno Domini one thousand eight hundred and sixty-three, be and the same is hereby amended so that the same shall read as follows: *Provided,* That this act shall not prohibit any person who has purchased a ticket from any agent, authorized by this act, with the *bona fide* intention of traveling upon the same the whole distance between the points named in the said ticket, from selling the unused part of the same to the company that sold the same, and it shall be the duty of the said company to pay for such unused portion of ticket the difference between the actual fare to point used and the amount paid for such ticket.

W. ELLIOTT,
Speaker of the House of Representatives.
JAS. S. RUTAN,
Speaker of the Senate.

APPROVED the tenth day of April, Anno Domini one thousand eight hundred and seventy-two.

JNO. W. GEARY.

OPINION OF JUDGE LUDLOW DECLARING THE PENNSYLVANIA
"ACT TO PREVENT FRAUDS UPON TRAVELERS"
CONSTITUTIONAL.

In the opinion delivered by Judge James R. Ludlow in the Court of Quarter Sessions, Philadelphia, December 4, 1880 (in which he decides that the Act to Prevent Frauds upon Travelers, passed by the General Assembly of the Commonwealth of Pennsylvania, quoted herein, is constitutional and valid), the following language is used:

"In the view which we take of this case and of the facts proved, it is unnecessary to decide how far the legislature may restrict the right of an individual to sell a single ticket bought here or in another state, and make it criminal for that

individual so to do; much of the reasoning which follows may apply to such a case, but that is not the cause developed by the evidence, for here the testimony produced presents the case of one who has established a *business* in Philadelphia, the whole object of which is to trade in railroad tickets; he is, in fact, a ticket broker.

"But it is said that this law abridges the privileges and immunities of citizens of the United States. Upon the facts admitted here, what privilege or immunity of this defendant has been abridged? His right to establish a certain business, which the legislature has declared to be, in the preamble, the cause of 'numerous frauds,' has been curtailed, and it may be destroyed, but is this an abridgment of 'immunity or privilege' within the meaning of the Constitution of the United States? In a state of nature a man may establish any business injurious to health he pleases; he may, unless restrained somehow, destroy at will all who deal with him. In a state of nature men may store gunpowder in dangerous places, sell tainted meat, liquor without inspection and license, set up gambling houses and houses of ill-fame, and do numerous other acts which any thinking man may imagine; but civilized men living under a benign government easily recognize the principle that rights and duties are reciprocal, and that these may grow out of the very fact that men surrender a portion of their natural rights in order that they may live together in civilized countries under a common rule of action called the law.

"But it is argued that the act of Assembly impairs the obligation of a contract. The ticket sold in this case was simply, at best, the evidence of a contract, and not the contract itself. For convenience these tickets have been introduced, and the person who presents the ticket exhibits a card in the nature of a receipt; before this ticket was sold the act of Assembly was passed, and when, therefore, the contract itself was made, this defendant must be presumed to have known that to contract with any one who was not an authorized agent of the company which had sold the ticket was a criminal act.

"The last point made and ably argued by the learned counsel for defendant, Mr. Hepburn, will develop the true principle upon which this law must be sustained, and will moreover develop and illustrate the admirable manner in which, upon a true interpretation of the law, the Constitution of the United States, and the sovereign authority of the individual states, may not only be harmonized, but made effective, under our delicate and complicated system of government.

"By Article X of the amendments to the Constitution of the United States, it is expressly provided, 'That the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.'

"In the case of the Railroad Company *vs.* Husen, 5 Otto, 465, the Supreme Court of the United States declares: 'We admit that the deposit in Congress of the power to regulate foreign commerce, and commerce among the states, was not a surrender of that which may properly be denominated police power. What that power is it is difficult to define with sharp precision. It is generally said to extend to making regulations promotive of domestic order, morals, health and safety. * * * It may be admitted that the police power of a state justifies the adoption of precautionary measures against social evils. Under it a state may legislate to prevent the spread of crime, pauperism, or disturbance of the peace.'

"No state legislature may with impunity interfere with the power which Congress possesses 'to regulate commerce with foreign nations and among the several states.' Why? Because this power has been directly vested in Congress by the several states and the people thereof.

"Any obstacle to commerce, or burden laid upon it, is, by the authority of the Supreme Court of the United States, from the leading case of *Gibbons vs. Ogden*, 9 Wheaton, 1, to the present time, unconstitutional and void. To fall, however, within the prohibition, the law must be an obstacle or a burden within the meaning of the decision of the Supreme Court of the United States.

"Can it be contended that a law which prohibits that which has become a fruitful source of crime is an obstacle or burden to commerce between the states?

"The law, in effect, declares that the railroad companies, as common carriers, shall exercise their franchises subject to a duty, to wit, the repurchase of unused tickets, but for reasons of public policy, no unauthorized agent shall sell these

tickets to any one. How does this limitation or restriction hinder transportation of either men or things, and 'transportation (as has been said) is essential to commerce, or rather it is commerce itself.' See *Railroad Company vs. Husen*, *supra*.

"The law does not prohibit the sale of tickets at all, but only limits the right to authorized agents of the company, and compels the common carrier—that is, the company—to repurchase. To prove that the power exercised in this instance by the Legislature of Pennsylvania is in no just and legal sense such a regulation of 'commerce between the states' as to impinge upon any provisions in the Constitution of the United States, is not only to answer the last objection made to this act, but to develop the principle which sustains this and kindred laws.

"We have already adverted to the fact, that there resides in every commonwealth a fundamental right to protect her citizens.

"In *Railroad Company vs. Husen*, *supra*, it was said, 'We admit that the deposit in Congress of the power to regulate foreign commerce, and commerce among the states, was not a surrender of that which may properly be denominated police power.'

"The principle thus admitted is founded, under the Constitution of the United States, in the rights reserved to the states and the people thereof, and it has not only received the sanction of the highest court under the Government of the United States, but that sanction has been emphasized in the Slaughter-house cases, 16 Wal., 83, where the majority of the court firmly maintained the right of the state under the Constitution.

"The power to create a police regulation then resides in the state, and in the state alone. Has the Legislature of Pennsylvania exercised her right to declare what shall become a constitutional police regulation with reference to the sale of unused railroad tickets, as a business, to be transacted by brokers throughout the commonwealth, or has a law been enacted which establishes a monopoly?

"It would be useless to refer to a multitude of acts, already upon the statute-book, in which this power has been used.

"The learned Assistant District Attorney, Mr. Ker, referred in detail to at least fifteen or twenty laws, all of them analogous in principle to the law now under consideration. It would also be a mere affectation of learning to cite from the reported decisions of the United States Supreme Court, case after case, in which the right of a state to enact laws in principle identical with the law now before the court has been affirmed. Already we have in this opinion referred to opinions which, in our judgment, rule this cause.

"It is enough now to say, that in the case reported as the Slaughter-house case, and cited *supra*, the doctrines pronounced by the Supreme Court of the United States not only embrace a cause like the one now before this court, but go much beyond it. That great cause did not decide that a monopoly might be created, but that a commonwealth might do that which was demanded for the public welfare.

"In the argument of this cause it was publicly stated, by the learned gentleman, Mr. MacVeagh, who assisted the District Attorney, that large numbers of tickets had been stolen from emigrants going West, before the trains had passed Harrisburg; other tickets which had expired by limitation of time had been sold to ignorant and unsuspecting victims, while the conductors upon the road were daily importuned by the agents of brokers to sell to them unused tickets, thus presenting a temptation to otherwise honest men to become plunderers of the stockholders of this road.

"I do not take for granted these facts, and express no judgment upon them, but I have a right to assume that reasons based upon such facts were presented to the legislature, and that, influenced by these reasons thus presented, the legislature intended to destroy a business detrimental to good morals, and as bad in its effects as gambling itself. Viewed in this light, the preamble to this act of Assembly has an incisive force. That preamble reads thus:

"WHEREAS, Numerous frauds have been practiced upon unsuspecting travelers by means of the sale by unauthorized persons of railway and other tickets, and also upon railroads and other corporations, by the fraudulent use of tickets, in violation of the contract of their purchase, &c., &c.

"Upon the trial of this very cause it appeared in evidence that, in addition to the ticket purchased from Altoona west, this defendant sold a pass, which had

been given to an employé of the road to enable him to travel from Altoona to Philadelphia and return. This employé finding his services wanted here, sold the return pass to this defendant, who in turn sold it to the purchaser who testified in the cause.

"A double fraud was thus perpetrated—one by this defendant, who knew exactly what he bought and afterward sold, and the other by the employé, who might have been saved from this perpetration of a fraud upon the stockholders of this company, but for the temptation held out to him by this defendant. We have nothing to do with the wisdom of this act of Assembly. With the facts, however, before me, it is not difficult to understand why the legislative department of the government determined that the time had arrived when a business which produced results such as have been specified, should be utterly destroyed, and, by a police regulation, it has been declared to be a criminal act to establish a brokerage business in the sale of the whole or any part of any ticket or tickets, passes, or other evidence of the holder's title to travel on any railroad, steamboat or other public conveyance."

"This act of Assembly is, under the evidence in this cause, constitutional, and judgment will be entered, upon the demurrer to the evidence, for the Commonwealth."

SOME OF THE PHILADELPHIA AND BALTIMORE PAPERS ON THE BUSINESS OF RAILWAY TICKET SCALPING.

The following are extracts from the comments of the eastern papers regarding the celebrated ticket-scalping case of the Commonwealth of Pennsylvania *vs.* Albert Wilson, the notorious ticket-scalper, in which Wilson was convicted, and sentenced to pay a fine of \$200 and to undergo an imprisonment of four months.

From the "Times," December 5, 1880.

JUDGE LUDLOW's opinion in the case of the railroad ticket-scalper, Wilson, clearly lays down the law as between the rights of the holders of tickets, the railroad companies, and the general public. It sets the seal of judicial condemnation upon the pestiferous class of ticket speculators, and stamps upon their business the brand of illegality, if not of absolute fraud. The subject is one of very great interest to all who have occasion to travel on our numerous railroad lines, and it is to be hoped the lesson will not be lost upon them. The ticket-scalper should in future be shunned and given as wide a berth as possible.

From the "Press," December 6, 1880.

THE SCALPER SCALPED.—In the case of the Commonwealth *vs.* Albert Wilson the notorious ticket-scalper, Judge Ludlow, on Saturday, in the Quarter Sessions, delivered an opinion sustaining the constitutionality of the law known as the "Ticket-scalping Act." He then sentenced Wilson to pay a fine of \$200 and to undergo an imprisonment of four months.

From the "North American," December 6, 1880.

THE railroad officials who have worked so hard to do away with the underground traffic in railroad tickets, have gained a great point in securing a declaration of the constitutionality of the act prohibiting such a traffic.

THE TICKET-SCALPER.—DECISION OF JUDGE LUDLOW.—WILSON SENTENCED TO FOUR MONTHS.—Judge Ludlow, on Saturday, sentenced Albert Wilson, the ticket-scalper, to pay a fine of \$200, and to undergo an imprisonment of four months. Wilson had pleaded guilty, but on Saturday week the case came before his honor for argument upon the question whether the act upon which Wilson was indicted was constitutional or not.

The decision made by Judge Ludlow is against Wilson, and in favor of the constitutionality of the act. Judge Ludlow's decision is a very long and

exhaustive one. He holds that fraud having been perpetrated upon unsuspecting people by ticket-scalping, the legislature had the right to pass a law authorizing any police legislation to break it up.

From the "Sunday Republic," December 5, 1880.

THE TICKET-SCALPER SENTENCED.—Yesterday morning, Judge Ludlow sentenced Albert Wilson, the celebrated ticket-scalper, to pay a fine of \$200 and to undergo an imprisonment of four months. Wilson had plead guilty, but his counsel argued that the act preventing ticket-scalping was unconstitutional. The constitutionality of the law was argued upon yesterday week, and yesterday Judge Ludlow gave his decision, in which he held that fraud having been perpetrated upon unsuspecting people by ticket-scalping, the legislature had the right to pass a law authorizing any police regulation to break it up.

From the "Evening Bulletin," December 6, 1880.

JUDGE LUDLOW's learned opinion upon the ticket-scalping business, which was published at great length on Saturday, adds another high judicial sanction to the principles which enable state legislatures to protect the railroad corporations, by constitutional laws, with such police regulations as will prevent one of the most troublesome forms of railroad robbery. The way of the ticket-scalper was already hard, and Judge Ludlow's decision will make it harder. His position on the bench of Pennsylvania is one of commanding weight and influence, and the fact that he entered upon the trial of this case with anything but a predisposition to favor the views of counsel for the Commonwealth adds greatly to the value of the conclusion so clearly stated in this able paper.

The illegal trade in railroad tickets and passes has grown to dimensions seriously affecting the interests of the companies, and the Legislature of Pennsylvania, in passing a stringent law for their protection, has also done that service to the morals of the community that is involved in the breaking up of dishonesty and rascality. There are plenty of nominally respectable men whose business morals are loose enough to make them easy patrons of the ticket-scalping business; men who need to be carefully watched in all their business transactions. The law does well whenever it takes out of the way any of the temptations that help to lower and obscure the moral senses of men; while it punishes the rascal, it improves and elevates the conscientiousness of the public at large. Judge Ludlow has laid down the law in no uncertain terms, and his clear and vigorous exposition of it will go far to break up this petty but very troublesome form of modern rascality.

From the "Baltimore American," December 9, 1880.

THE Pennsylvania Railroad Company secured the conviction, in a Philadelphia court, on Saturday, under the state law, of a ticket-scalper, who was fined \$200, and sentenced to four months' imprisonment. The law forbids the establishment of a brokerage business in the sale of the whole or any part of any ticket or tickets, passes, or other evidence of the holder's title to travel on any railroad, steamboat, or public conveyance. The defense raised was that this law is in violation of the Constitution of the United States, one particular point being that it interferes with the right of Congress to regulate commerce between the states. Judge Ludlow overruled the defense on every point, and very strongly denounced the whole business of ticket-scalping as "detrimental to good morals, and as bad in its effects as gambling itself."

From the "Railway World," December 11, 1880.

THE ANTI-TICKET-SCALPING LAW OF PENNSYLVANIA DECLARED CONSTITUTIONAL.—In the Court of Quarter Sessions of Philadelphia, on December 4, Judge Ludlow filed an elaborate opinion in the case of the Commonwealth *vs.* Albert Wilson, charged with illegally conducting the business of selling railway passenger tickets.

The accused based his defense on the ground that the law of Pennsylvania forbidding such transactions was unconstitutional, but the plea has been overruled by Judge Ludlow, who fined Wilson \$200 and sentenced him to an imprisonment of four months. Wilson's counsel contended that the anti-ticket-scalping

law abridges the privileges and immunities of citizens of the United States, but Judge Ludlow holds that the abridgment of the right to establish a business which the legislature has declared, in the preamble of the anti-ticket-scalping law, to be a cause of numerous frauds, is "not in conflict with the Federal Constitution, because it comes within the legal principle that while a man has a perfect right to acquire and possess property of every kind, yet he is at the same time subject to the restraints that the government may prescribe for the general good."

The allegation that the act impairs the obligations of a contract was also declared to be untenable. The decision discusses statements made during the argument of the case by counsel for the prosecution, that tickets had been stolen from emigrants going West; that other tickets which had expired by limitation of time had been sold to unsuspecting purchasers, and that conductors on the Pennsylvania Railroad had frequently been importuned by agents of brokers to sell them unused tickets; and it forcibly states that in view of such facts the legislature acted within its legitimate province in determining that a business which produced such results should be prohibited, and that any attempt to establish a brokerage business in the sale of tickets could properly be declared to be a criminal act.

The result of the decision in this case has been awaited with considerable interest in various portions of the Union, where similar prosecutions are contemplated, or where new legislation intended to abolish ticket-scalping has been proposed. The decision will, therefore, tend, in numerous localities, to break up the fraudulent practices that frequently grow out of ticket-scalping operations, and to promote the interests of railway companies and of the public by confining the sale of railway tickets to the duly authorized agents who are the only parties that can properly participate in that business. The principle is universally acknowledged in Europe that railway tickets are not assignable contracts, and the same principle should be rigidly applied to the passenger business of all the railway lines of this country.

Copy of the Law to prevent the handling of Railway Passenger Tickets by scalpers in the Dominion of Canada.



45 VICTORIA.

CHAP. 41.

An Act respecting the sale of Railway Passenger Tickets.

[Assented to 17th May, 1882.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Any railway company subject to the jurisdiction of the Parliament of Canada or to which "The Consolidated Railway Act, 1879," applies, and the Minister of Railways and Canals as respects any railway under the control of the Government of Canada, may appoint, in any city, town or village in Canada, such person or persons as they or he may choose, as agents for the sale of passenger tickets to passengers or persons desiring to travel by the railway of the company employing such agent, or by any Government railway, as the case may be.

2. The Minister of Railways and Canals or company hereinbefore described, employing any such agent, shall give him a certificate of his appointment, which

shall be under the hand of the said Minister or the corporate seal of the Company appointing him, and such agent shall keep the same framed or exhibited in some conspicuous part of his office or place of business where it can be seen and read by those resorting to the office.

3. Every ticket so sold by any agent shall have the name of such agent and the date of the sale written or stamped plainly upon it, and any person fraudulently altering, changing or imitating such signature or date, shall be guilty of an offence against this Act. This Act shall also apply to the agents of foreign railway companies doing business in Canada, who shall be required, before issuing tickets over Canadian lines, to be duly authorized for such purpose by the Minister of Railways and Canals, or company over whose line they desire to issue tickets, in the same way as is provided in section one, and shall also be required to have and exhibit in like manner a certificate from the foreign company he or they may represent.

4. Nothing in this Act shall preclude the duly authorized agent of any company from procuring from the properly authorized agent of any other company a ticket for a passenger to whom he may have sold a ticket to travel over the line, or any part thereof, for which he is the authorized agent, so as to enable such passenger to travel to the point or junction from which he may have previously secured his ticket.

5. No person whosoever, except those authorized as above mentioned, shall sell, or offer for sale, any railway passenger ticket, or pass ticket, certificate or other instrument, enabling any person or persons, or purporting to entitle any person or persons, to travel on any one railway, or more than one railway, or on any part of one railway, or parts of several railways, to which this Act applies; and any person or persons offending against this Act shall, upon summary conviction thereof before any Justice of the Peace, be subject to a fine of not less than twenty dollars nor more than fifty dollars, in the discretion of such justice, and to pay the costs of the prosecution and conviction, or to imprisonment for not less than ten days, nor more than ninety days, in the common gaol, or to both fine and imprisonment, in the discretion of the justice.

6. All complaints regarding the contravention of this Act shall be prosecuted by information, and shall be subject to the provisions of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intitled "An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders."

7. Nothing in this Act contained as regards the appointment of agents for the sale of tickets shall prevent the station agents of the minister or company at their stations, and in their ticket offices at such stations, from selling tickets to passengers about to enter upon and travel by railway from the said stations.

8. The examination of any complainant or witness, taken or heard under oath in the presence of the person accused, on the hearing of any complaint for any offence against the provisions of this Act (if the person charged, or his counsel or agent, shall have had the opportunity of cross-examining such complainant or witness, whether he has done so or not), may, on the hearing of any appeal from any decision of such magistrate, be used in evidence, provided the person whose examination is so used is out of the jurisdiction of the court to which the appeal is made; and provided, further, that the said examination or evidence has been reduced to writing, and has been signed by the person whose examination it purports to be; and to entitle the said examination to be read and taken as evidence on the hearing of such appeal, it shall only be necessary to produce the certificate of the magistrate or person before whom the said trial was had, under his hand, certifying that the said deposition, which is offered in evidence, was taken before him on the hearing of the complaint which forms the subject matter of the said appeal, and on the production of the said certificate, the said deposition or evidence of such absent person shall be taken and received as evidence, without further proof, on the trial of any such appeal.

9. The Minister of Railways, as regards any Government railway and every railway company subject to the jurisdiction of the Parliament of Canada, or to which "The Consolidated Railway Act, 1879," applies, shall repay to any ticket holder the cost of his ticket if unused in whole or in part, less the ordinary and

regular fare for the distance for which such ticket has been used; and such repayment shall be made at any station or office of the railway or company between and including the points covered by the ticket; and the sale by any person of the unused portion of any ticket otherwise than by the presentation of the same for redemption as provided for in this section, shall be deemed to be a violation of the provisions of this Act, and shall be punished as hereinbefore provided: Provided, always, that the claim for such redemption be made within thirty days from the expiration of the time for which the ticket was issued in accordance with the conditions thereon.

10. Passengers presenting single journey tickets upon the trains within the time for which the conditions printed upon them, and the date show such tickets to be good for use, may apply to the conductor of such train to have the privilege of stopping over granted, and the time for which the ticket is valid extended, which shall be conceded on tickets purchased at railway ticket offices in Canada, from one place in Canada to another, or from a place in Canada to a place in the United States; but no railway company shall be required to extend the time more than two days for every fifty miles of distance to be traveled in Canada.

11. This Act shall come into force and take effect on and from the first day of July next.

Six Reasons Why Reputable Business Men Should not Buy Railroad Tickets of Scalpers.

- 1.—It aids the scalpers to violate the Inter-State Commerce Law.
- 2.—It is against public morals in that it encourages an illegal and demoralizing business.
- 3.—It constitutes a violation of a criminal law in Illinois, Indiana and Pennsylvania.
- 4.—Reputable business men should no more buy railroad tickets of scalpers than they would do their banking business with a bank that handled counterfeit or stolen money.
- 5.—Common carriers, having their rates fixed by law, have a right to expect that reputable and law-abiding citizens will purchase their railroad tickets of the legally authorized agents of such common carriers.
- 6.—The passenger fares of the railroads are printed in plain type, posted and filed with the Inter-State Commerce Commission, in accordance with law, and it is as unfair and should be as illegal for passengers to make use of devices to circumvent the law as it would be for the railroads to do so.

REDEMPTION OF RAILROAD TICKETS BY RAILROAD COMPANIES.

Many persons have the impression that railroad companies will not redeem tickets or parts of tickets purchased in good faith by persons intending to travel upon them, but which, for some reason, they have not been able to use. This impression is entirely erroneous, as will be proven by a call upon the General Ticket Agent of any reputable railroad. Ticket scalpers in various parts of the United States have from time to time made the pretense that the railroads would not redeem tickets, and hence their claim that their business of purchasing railroad tickets to sell again should be made legal. Their claim is false, as they well know. General Ticket Agents in all parts of the United States are prepared to promptly redeem parts of tickets which the original purchasers present for that purpose, the law in three great States of the Union providing explicitly for the redemption of tickets in practically the following language:

"It shall be the duty of the owner or owners of railroad, steamboat and other public conveyances, to provide for the redemption of the whole or any parts or coupons of any ticket or tickets as they may have sold, as the purchaser for any reason has not used or does not desire to use, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the proportion of said ticket was actually used."

There is a point about the redemption of unused portions of railroad tickets that the public do not seem to have discovered, and that is that they would receive from the railroad companies a very much larger proportion of cash for their tickets than they can, under any circumstances, get from the scalper; the rule of the railroads being to refund to the passenger the difference between the cost of the whole ticket and the cost of a ticket from the original starting point of the passenger to the point where the service of the railroad ended. For example, a passenger purchases a ticket from New York to Kansas City via Chicago, paying therefor \$31.75; on reaching Chicago he finds that business will require his immediate return to New York, consequently he will not be able to use the portion of his ticket reading from Chicago to Kansas City. The scalper might give him anywhere from \$3 to \$5 for the ticket, owing to the state of the scalper's market on the day he presented it, but should he call upon the railroad company, present the ticket and explain his position, he would receive \$11.75. As the local fare from Chicago to Kansas City is \$12.50, it will be seen at a glance that no scalper could afford to pay \$11.75 for such a ticket, as he would have to run the risk of selling it again and would want to make a profit upon it. The margin, therefore, would be too close for him to pay any such amount for it. The railroad company, on the other hand, having no intention of selling the ticket again, and having no desire to take more from the passenger than their regular tariff rate for the distance traveled, would lose nothing by refunding him

the amount, and on the other hand would gain a friend, from the fact that the passenger would at once see that the railroad company intended to do what was entirely fair with him, and all that he could reasonably ask them to do in the premises. Therefore, this claim of the scalpers should have no further weight with the public. Their business is illegal, demoralizing, leading to all manner of corrupt and criminal practices, and should be discountenanced by all right-thinking men.

That there may be honest men among the ticket scalpers of the United States no one will deny, but a business which from its nature attracts so many men who are not honest and fosters so many disreputable and dishonest practices, and has such a corrupting influence upon many persons outside of its own limits, should not be encouraged by honest business men, outside or inside the railway fraternity.

OVER SIX THOUSAND FORGERIES.

The attention of travelers in all parts of the United States is called to the sworn testimony of a Chicago ticket scalper quoted in another portion of this paper, to the effect that three other Chicago ticket scalpers had changed the dates or names in six thousand railway tickets, thus perpetrating, in the course of their business as ticket scalpers, six thousand forgeries; this ticket scalper at the same time admitting that he had personally changed hundreds of such tickets.

EXTRACTS FROM THE CHICAGO PRESS REGARDING THE RECENT INVESTIGATION OF THE SCALPERS AT CHICAGO BY THE INTER-STATE COMMERCE COMMISSION.

Chicago "Tribune," December 11, 1888.

"THE INTER-STATE COMMISSIONERS INVESTIGATE.

"THEY FIND THAT THE BUSINESS OF THE SCALPERS IS ILLEGAL, AND HOLD THE ROADS RESPONSIBLE FOR A VIOLATION OF THE LAW—THE PRACTICE OF PAYING COMMISSIONS MUST BE STOPPED.

"The practice of doing their through business through scalpers, who admitted that their business is carried on in violation of the law, will have to be stopped, and the method of paying commissions for the sale of tickets either to the scalpers or coupon ticket agents will also have to come to an end, as these commissions can be used for the purpose of cutting rates and discriminating against regular passengers. It is intimated that the Commissioners will render a decision that these practices are contrary to the letter and spirit of the law, and that whatever rates are made over any road by the scalpers, or other parties, must be made at the regular ticket offices of those roads, and intermediate rates must be made to correspond with the through rates, whether made by the scalpers or the railroads themselves."

Chicago "Tribune," December 12, 1888.

"The scalpers must go. The Inter-State Commissioners have a word to say. The practice of selling to brokers at reduced rates defined as illegal."

"Railway Age," December 8, 1888.

"TICKET SCALPING DOOMED.

"The position in regard to the injuriousness and illegality of the business of ticket scalping, or brokerage, as it is more euphoniously called, which has always been taken by this journal, and especially in recent editorials and communications,

has received a formidable reinforcement from the Inter-State Commerce Commissioners. In his address to railway officers in Chicago this week, Judge Cooley devoted his attention largely to the abuses and demoralization which grow out of the existence of ticket scalping offices, and characterized the issue of tickets to scalpers as illegal, demoralizing, injurious and discriminating. We published, last week, the Illinois statute, which makes the sale of railway tickets by any others than the regular authorized agents of railways, illegal and punishable by fine and imprisonment. Any railway company can proceed against the scalpers under this law and cause their suppression, and this, there is now good reason to believe, will soon be done. Similar laws are in existence in Indiana and Pennsylvania and should be enacted in every state, while congress, which is so ready to legislate against the railways, should not longer refuse to pass laws for their protection from mercenary individuals whose avocation is a constant injury to the public."

Chicago "Herald," December 13, 1888.

"WAR UPON TICKET SCALPERS.

"CONSTERNATION AMONG CLARK STREET SELLERS ON ACCOUNT OF JUDGE COOLEY'S DECISION—MANY OF THEM THINK THEY CAN EVADE THE LAW.

"Owing to the action of Judge Cooley, of the Inter-State Commerce Commission, in attempting to put a stop to the discrimination in passenger ticket selling in Chicago, there was, all day yesterday, a general commotion among Clark street scalpers. It is plain that the decree of the Commission will interfere with at least one branch of the brokers' business. Passenger agents assert that if Judge Cooley's decision is enforced it will take away nine-tenths of the business of the brokers and have the effect of practically breaking up the business.

"Judge Cooley's decision gives prominence once more to the business of ticket broking, and has caused the *Herald* to make some inquiries as to the business here in Chicago. The reporter found the brokers and scalpers in a ferment, not only over the action of the commission, but on account of recent disturbances in their own organization. In short, they are in a quarrel among themselves over the spoils, and have decided to split up and fight each other, so far as their local organization goes. The result is that the uniform minimum rate no longer obtains, and the wide-awake ticket broker's customers can now obtain "bottom rock" rates. Of course, the railroad ticket and scalping business is of immense importance. Like a good many other enterprises out of joint with existing laws, it has grown financially strong apparently on that account. The Chicago end of the business has grown with equal proportion to the development of general railroad business, until the money exchanged over the scalping counters annually reaches far up into the millions.

"There are about three hundred ticket brokers, rebaters and scalpers in the United States; some two hundred and fifty of these belong to what is known as the American Ticket Brokers' Association. The remainder are, for the most part, affiliated with the Guarantee Ticket Brokers' Association. In Chicago these two associations have each a pretty strong foothold, the first by thirteen concerns, including the heaviest engaged in the business, the last by five concerns, some of them, however, decidedly weak.

"In the face of these facts Judge Cooley's decision is most timely, but the brokers themselves think less of its importance than the railway officials do. Mr. Franks thought it would be hard on some brokers, but there was a knowing smile on his face that told plainly that he expected to obtain tickets in the future as in the past, although he declared he would obey the law. Mr. Nye, of Nye & Osterman, of the American Association, talked lightly of the decision. He said that respectable brokers did not buy tickets of railway companies, and that the decision would not affect them, but the contrary is known to be true in many cases."

Chicago "Tribune," December 14, 1888.

"ROUGH ON THE TICKET BROKERS.

"Some of the scalpers are trying to create the impression that the action of the Inter-State Commission is against the interest of the public. There is no truth in

this. The public did not get the benefit of the reduced rates. The scalpers themselves reaped all the profit, as the railroads themselves adhered to full tariff. There is no danger that exorbitant rates will be the result of this movement. Competition between the various roads will keep rates at a proper level. If this competition leads to rate wars and cut-rates, the tickets cannot be placed in the scalpers' hands as heretofore, and the war carried on exclusively through them, but the public will get the direct benefit of the cut rates. The proposition to prosecute the scalpers who continue to sell railroad tickets in violation of the state law meets with much favor, and is likely to be carried out."

The railways of the United States owe it to themselves and to the public to wipe the foul blot of ticket scalping from the escutcheon of railway management. WILL THEY DO IT?

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